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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/591,013	08/29/2006	Daisuke Sasaki	3828	5819
278	7590	12/21/2007		
MICHAEL J. STRIKER 103 EAST NECK ROAD HUNTINGTON, NY 11743			EXAMINER GEBREMICHAEL, BRUK A	
			ART UNIT	PAPER NUMBER
			3714	
			MAIL DATE	DELIVERY MODE
			12/21/2007	PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

## Office Action Summary

Application No.

10/591,013

Applicant(s)

SASAKI, DAISUKE

Examiner

Bruk A. Gebremichael

Art Unit

3714

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 29 August 2006.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-5 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-5 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 29 August 2006 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- 1) ☒ Certified copies of the priority documents have been received.
  - 2) ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - 3) ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date 08/29/2006
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

## **DETAILED ACTION**

### ***Specification***

1. Applicant is reminded of the proper language and format for an abstract of the disclosure.

The abstract should be in narrative form and generally limited to a single paragraph on a separate sheet within the range of 50 to 150 words. It is important that the abstract not exceed 150 words in length since the space provided for the abstract on the computer tape used by the printer is limited. The form and legal phraseology often used in patent claims, such as "means" and "said," should be avoided. The abstract should describe the disclosure sufficiently to assist readers in deciding whether there is a need for consulting the full patent text for details.

The language should be clear and concise and should not repeat information given in the title. It should avoid using phrases which can be implied, such as, "The disclosure concerns," "The disclosure defined by this invention," "The disclosure describes," etc.

### ***Claim Objections***

2. Claim 4 is objected to because of the following informalities: the phrase "displays the color one of the selected" in line 2 of this claim is believed to be in error for -- displays the color of one of the selected --. Appropriate correction is required.

### ***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-5 are rejected under 35 U.S.C. 103(a) as being unpatentable over EP 1,147,722 A1 in view of WO 03/020072 and further in view of Bazin 2002/0090123.

For ease of reference, the US Patent **Saita 6,719,565** is used in place of *EP-1,147,722 A1*, and similarly, the US Publication **Fertig 2004/0239689** is used in place of *WO 03/020072*.

Regarding claim 1, Saita discloses, a color simulation system comprising a display section (FIG 3), a base screen displaying section displaying a base screen on the predetermined display area of the display section, the base screen having first through fifth layers (FIG 6), a hair color data storage section recording RGB values of each of original hair colors to be subjected to hair coloring (col.1, lines 61-64), a hair color preparation data storage section recording RGB values of each of colors of hair color preparations, a hair line data storage section recording image data of hair line (col.2, lines 52-55), a first input section for receiving an input of choice of one hair color from the original hair colors recorded in the hair color data storage section (FIG 8, label 800), a first image displaying section displaying the hair line with the predetermined transparency on the first layer of the base screen according to the image data recorded in the hair line data storage section (FIG 3).

However, Saita does not explicitly disclose, a second input section for receiving an input of choice of two hair color preparations from the hair color preparations recorded in the hair color preparation data storage section together with mixing ratio of

the selected hair color preparations, a second image displaying section retrieving the RGB value of the selected hair color from the hair color data storage section and displaying the selected hair color without transparency on the fifth layer of the base screen based on the input received at the first input section, a third image displaying section retrieving the RGB values of the selected two hair color preparations from the hair color preparation data storage section and displaying the colors of the selected two hair color preparations with the transparency corresponding to the selected mixed ratio thereof on the third and fourth layers of the base screen, respectively based on the input received at the second input section, and a fourth image displaying section retrieving the RGB value of the selected hair color from the hair color data storage section and displaying the selected hair color with the predetermined transparency on the second layer of the base screen based on the input received at the first input section.

Fertig teaches, a second input section for receiving an input of choice of two hair color preparations from the hair color preparations recorded in the hair color preparation data storage section together with mixing ratio of the selected hair color preparations (Para.0017, lines 3-11), a second image displaying section retrieving the RGB value of the selected hair color from the hair color data storage section and displaying the selected hair color without transparency on the fifth layer of the base screen based on the input received at the first input section (FIG 3, label 47).

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention was made to modify the invention of Saita in view of Fertig by incorporating a color palette in the form a touch screen in order to display the available

colors to the user and also to allow the user to choose and input the desired types of colors for simulation.

Saita in view of Fertig teaches the claimed limitations as discussed above. However, Saita in view of Fertig does not positively teach, a third image displaying section retrieving the RGB values of the selected two hair color preparations from the hair color preparation data storage section and displaying the colors of the selected two hair color preparations with the transparency corresponding to the selected mixing ratio thereof on the third and fourth layers of the base screen, respectively based on the input received at the second input section, and a fourth image displaying section retrieving the RGB value of the selected hair color from the hair color data storage section and displaying the selected hair color with the predetermined transparency on the second layer of the base screen based on the input received at the first input section.

Bazin teaches, a third image displaying section retrieving the RGB values of the selected two hair color preparations from the hair color preparation data storage section and displaying the colors of the selected two hair color preparations with the transparency corresponding to the selected mixing ratio thereof on the third and fourth layers of the base screen, respectively based on the input received at the second input section (Para.0015, lines 16-22 and FIG 5, label 21), and a fourth image displaying section retrieving the RGB value of the selected hair color from the hair color data storage section and displaying the selected hair color with the predetermined transparency on the second layer of the base screen based on the input received at the first input section (FIG 5, label 22).

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention was made to modify the invention of Saita in view of Fertig and further in view of Bazin by incorporating two display areas on the display screen in order to allow the user to observe the effect of changing the mixing ratio of the colors by moving the slide bar (Bazin FIG 5, label 24), towards one color image or the other.

Regarding claim 2, Saita in view of Fertig and further in view of Bazin teaches the claimed limitations as discussed above. Saita further discloses, the base screen displayed by the base screen displaying section has an intermediate layer between the first and second layers, and the color simulation system further comprises a second hair line data storage section recording image data of second hair line which is different from the hair line recorded in the hair line data storage section in line pattern and color, and a fifth image data displaying section displaying the second hair line with the predetermined transparency on the intermediate layer of the base screen according to the image data recorded in the second hair line data storage section (col.2, lines 4-9 and FIG 6).

Saita does not explicitly disclose a second hair line data storage section, but it would have been obvious to one of ordinary skill in the art at the time of the invention was made to recognize the fact that the computer system would first store the second hair line image data separately from the original image data, before displaying the second hair line image.

Regarding claims 3 and 4, Saita in view of Fertig and further in view of Bazin teaches the claimed limitations as discussed above. Bazin further teaches, the third

image displaying section displays the selected two hair color preparations with the colors which are deeper than the original colors thereof recorded in the hair color preparation data storage section by the predetermined RGB value and with the transparency corresponding to the selected mixing ratio thereof (Para.0015, lines 16-22 and FIG 6), the color one of the selected two hair color preparations on the third layer with the transparency which is lower than the transparency determined by the selected mixing ratio and the color of the other of the selected two hair color preparations on the fourth layer with the transparency which is higher than the transparency determined by the selected mixing ratio (FIG 6, labels 21 or 22).

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention was made to modify the invention of Saita in view of Fertig and further in view of Bazin by including two display regions in order to indicate to the user the deeper color in one region and the lighter color in the other region thereby allowing the user to adjust the mixing ratios of the colors depending on the desired result.

Regarding claim 5, Saita in view of Fertig and further in view of Bazin teaches the claimed limitations as discussed above. Saita further discloses, the display area of the display section is a hair of head of a model's face displayed by the display section (see FIG 3).

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Bruk A. Gebremichael whose telephone number is



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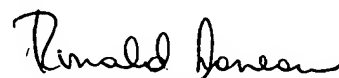
(571)270-3079. The examiner can normally be reached on Monday to Friday (7:30AM-5:00PM) ALT. Friday OFF.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Xuan Thai can be reached on (571) 272-7147. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



B.G.  
12/17/2007.



RONALD LANEAU  
PRIMARY EXAMINER

12/19/07